

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

STERLING NATIONAL BANK,
Plaintiff,

v.

VI CORPS, LCC,
DON BETHUNE, and
VICTOR VICARI,
Defendants.

Case No. 19–CV–01115–JPG

ORDER

This is a breach-of-contract action regarding delinquent debt. Before the Court is Plaintiff Sterling National Bank’s Motion to Determine Service, filed March 9, 2020. (ECF No. 13).

In January 2020, Plaintiff filed a Motion for Substitute Service and informed the Court that Defendants VI Corps, LLC and Victor Vicari are evading service of process in Florida. (Pl.’s Mot. for Substitute Service 1–2, ECF No. 8). The Court ordered Plaintiff to serve VI Corps through its registered agent in Yankeetown, Florida and Vicari by publication in the Sumpter County Times. (Order 2, ECF No. 9).

Plaintiff successfully served Vicari by publication, but it was unable to serve VI Corps through its registered agent. (Pl.’s Mot. to Determine Service 2). A licensed private detective attempted to serve the registered agent at two known addresses—she was not at either. (Id.). Plaintiff now asks the Court to consider VI Corps effectively served with process by virtue of the publication in the Sumpter County Times. (Id. at 5).

The publication in the Sumpter County Times fully comported with the Court’s Order and with Florida Statute § 49.021. It stated the name of this Court and the nature of the action in short and simple terms; and it was published once each week for four consecutive weeks. (Id. at Ex. 1).

Importantly, it named both VI Corps and Defendant Vicari, stating that, “This notice serves as substitute service of process upon Vicari *and VI Corps . . .*” (Id.) (emphasis added).

The Court finds that VI Corps was effectively served with process by virtue of the publication in the Sumpter County Times. Accordingly, Plaintiff’s Motion to Determine Status is **GRANTED.**

IT IS SO ORDERED.

Dated: Tuesday, March 17, 2020

S/J. Phil Gilbert
J. PHIL GILBERT
UNITED STATES DISTRICT JUDGE